

WILMERHALE

October 20, 2016

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By ECF

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Honorable Allison D. Burroughs  
U.S. District Court, District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*  
No. 1:14-cv-14176-ADB

Dear Judge Burroughs,

On September 7, 2016, this Court ordered Harvard to produce “comprehensive data from its admissions database for six full admissions cycles.” Dkt. 181. On October 13, 2016, in order to ensure compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), Harvard notified all applicants who applied for first-year undergraduate admission or transfer admission to Harvard College between the fall of 2009 and the spring of 2015 that information from their applications would be produced. In that notice, Harvard indicated it would begin its production of data in response to the Court’s order on October 28, 2016. A copy of the notice is attached.

Harvard has heard from a number of applicants, students, and alumni who object to the production of information from their applications, and Harvard has suggested that those individuals contact the Court directly. Harvard is also aware that the Court has received communications from individuals who object to the production of information from their applications.

Harvard requests that the Court notify the parties if it intends to hold a hearing or take other action in connection with these objections. We are available at the Court’s convenience to address this matter should the Court wish to discuss it with the parties. In the absence of direction from the Court that amends Harvard’s existing obligation under the Court’s September 7 order, Harvard intends, in compliance with that order, to begin its production of database information to SFFA on October 28, 2016 or shortly thereafter.

Respectfully yours,

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth

Encl.

From: **Harvard Litigation Notice** <[administrator@qgmail.com](mailto:administrator@qgmail.com)>

Date: Thursday, October 13, 2016

Subject: Notice to Applicants for Admission to Harvard College



## HARVARD UNIVERSITY

### Notice to Applicants for Admission to Harvard College

Harvard University is currently defending against a federal lawsuit challenging its undergraduate admissions practices: *Students For Fair Admissions, Inc. v. President and Fellows of Harvard College (Harvard Corporation)*, No. 14-cv-14176 (D. Mass.).

As part of that lawsuit, the court has ordered Harvard to provide the plaintiff, Students for Fair Admissions ("SFFA"), with admissions information maintained by Harvard about all applicants who applied for first-year undergraduate admission or transfer admission to Harvard College between the fall of 2009 and the spring of 2015. Because you applied to Harvard for admission during this period, the court's orders require and may in the future require Harvard to provide to SFFA certain information from your application.

The information that the court has ordered produced to date includes academic, extracurricular, demographic, and other information from your application. We care deeply about protecting the privacy of our applicants. Harvard **will not** provide your name or Social Security Number to SFFA in connection with this production. In addition, the court has ordered that all information provided be subject to strict confidentiality rules that will prevent SFFA from sharing the information with anyone other than its attorneys without first obtaining approval from the court. The court also has ordered that SFFA may not use the information to try to learn the identity of any applicant or to contact any applicant without first obtaining approval from the court.

If you have questions, including questions about your ability to object to the disclosure of your information, or if you would like to know more about the lawsuit in general, please [visit our FAQs page](#). To comply with the court's order, Harvard will begin producing the required information on October 28th.

While Harvard is legally obligated to produce information in this lawsuit, we remain committed to protecting your privacy and will continue to take actions, including any required by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g(b)), if applicable, to protect the confidentiality of your information over the course of this litigation and afterwards.